

REMARKS

The Official Action dated November 20, 2003 has been received and its contents carefully noted. In view thereof, submitted herewith is a verified translation of Applicant's priority document, namely Japanese Patent Application No. 20000-362300 which entitles Applicant to an effective filing date of November 29, 2000. As previously, claims 2-9 are presently pending in the instant application. Reconsideration of the objections and rejections set forth in the Official Action is earnestly solicited.

Initially, Applicant wishes to acknowledge the Examiner's indication on page 6 of the Office Action that claims 5, 6 and 8 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With reference now to the Official Action, Applicant acknowledges with thanks the Examiner's indication that the finality of the rejection of the previous Office Action has been withdrawn. Further, Applicant notes the Examiner's further indication that the indicated allowability of claim 3 in the previous Office Action has been withdrawn in view of newly-discovered prior art.

With reference now to paragraph 4 of the Official Action, claims 3, 4, 7, and 9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,153,490 issued to Xing et al. in view of U.S. Patent No. 6,627,493 issued to Tu et al. and the publication "Silicon Processing for the VLSI Era" by Wolf. This rejection is respectfully traversed in that the prior art relied upon by the Examiner, namely U.S. Patent No. 6,627,493 is no longer properly available to the Examiner's prior art.

That is, filed concurrently herewith is verified translation of Applicant's priority document which entitles Applicant to an effective filing date of November 29, 2000 which is prior to the March 28, 2001 filing date of U.S. Patent No. 6,627,493 issued to Tu et al. Accordingly, in that the patent to Tu et al. is no longer available to the Examiner as prior art, it is respectfully submitted that claims 3, 4, 7, and 9 clearly distinguish over the combination of Xing et al. in view of Wolf and are in condition for allowance.

With reference to paragraph 5 of the Official Action claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Xing, Tu, and Wolf as applied to claim 7 above, and further in view of U.S. Patent No. 6,165,837 issued to

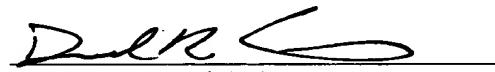
Kawakubo et al. This rejection is likewise respectfully traversed in that the patent to Tu is no longer available to the Examiner's prior art and consequently the prior art combination proposed by the Examiner fails to disclose or remotely suggest that which is presently set forth by Applicant's claimed invention.

Again, as noted hereinabove, the present application is entitled to an effective filing date of November 29, 2000 which is just prior to the filing date of the Tu et al. reference. Accordingly, it is respectfully submitted that Applicant's claimed invention as set forth in claim 2 now clearly distinguishes over the available prior art of record and is in proper condition for allowance.

Therefore, in view of the foregoing, it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 2-9 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,


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